

## **Setback and Offset Summary**

### ***Shore Setback***

#### **What is shore setback?**

The distance required between the ordinary high water mark and a structure.

#### **Required shore setback remains 75', per State law.**

#### **Shore Setback averaging (adjacent structures within 75' of shore):**

- State law allows for structures on adjacent lots that are located within **250'** (increased from 200') of a proposed structure to be used for setback averaging as follows:
  - If principal structures substandard to shore setback exist on both adjacent lots and within 250', a proposed principal structure may be located a distance equal to the average setback, **but no less than 35' from the OHWM.**
  - If a principal structure exists on an adjacent lot and within 250 ft. of a proposed structure in only one direction; is the closest principal structure; and is set back less than 75 ft. from the OHWM, the shore setback shall be equal to the average of 75 ft. and the distance that the adjacent structure is set back from the OHWM, **but no less than 35 ft.**
- The following County shoreland setback averaging provisions are less restrictive than current State law and must be modified:
  - If an adjacent building on one side of the subject parcel contains a structure setback further than 75', setback averaging can no longer be used- even if the structure on the other side is substandard to shore setback.
  - An existing building substandard to shore setback on the subject parcel can no longer be used for averaging to achieve an addition.
  - The administrative provision that allows Zoning Administrator to reduce required shore setback when a minimum 30' deep building envelope is not available is not permitted by State law.
  - Shore setback can currently be reduced to 30' w/ averaging (law now requires 35').
- *Delafield Shore Setback Averaging (adjacent structures beyond 75' of shore).*

Within the Delafield Shoreland Overlay District, if the closest principal structure in each direction to a proposed structure exists on an adjacent lot and within 200 ft. of the proposed structure and both of the principal structures are set back more than 75 ft. from the OHWM (based on required setback at time of construction), the setback shall be equal to the average of the setbacks required for those structures.

\*Provision does not apply if resulting setback limits the placement of proposed principal structure to area on which the structure cannot be built.

#### **Improvements to structures non-conforming to shore setback only.**

- Reconstruction, remodeling and repair permitted without limitation.
- Vertical expansions may be allowed (may not exceed 35' in height).
- Horizontal expansions within setback (up to a maximum of 200 square feet) allowed if mitigation is provided and expansion is minimum of 35' from shore. Horizontal expansions beyond setback permitted.
- Relocation permitted if 35' or more from shore with mitigation (if no conforming location available).

## ***Wetland and Floodplain Setback***

- Per State law, remove existing 75 ft. floodplain setback. Instead, apply floodplain setback within the area of the 0.2% floodplain as designated by FEMA only. Reduce floodplain setback to 35', which eliminates the need for averaging.
- Remove the 50' setback relief provision relative to wetlands and instead allow relief via amended non-conforming structure provisions.
- Provide for maximum 200 square foot sheds to be located a minimum of 35' from wetlands provided no other conforming location exists.
- Staff recommends that other existing wetland setback averaging provisions remain in place.

### **Structures nonconforming to wetland and floodplain setback**

- Within 35 ft. of a wetland or floodplain:
  - Limit structures to interior and exterior remodeling and the replacement of less than 50% of the existing exterior structural members over the lifetime of the structure.
- 35 ft. and greater (wetland only). In addition to the above:
  - Allow vertical expansions that meet the height requirements
  - Allow horizontal expansions (principal structures only) that do not exceed 200 sq. ft. in area over the life of the structure.
  - Allow the replacement or relocation of a structure of equal or less size if no other conforming location is available as determined by the Zoning Administrator and provided the structure is no closer to the wetland or floodplain than the existing structure.
  - Mitigation is required to offset the impacts of any horizontal expansion (wetland only).

*Note: Structures that are permitted by right through wetland and floodplain setback averaging are not subject to the above provisions.*

## ***Road Setback***

### **What is road setback?**

The required distance between the base setback line and a structure.

### **Current setback requirements:**

50' (unsewered)

35' (sewered)

### **Proposed setback relief:**

35' (if lot located on a local road and sewered or platted in a subdivision recorded after 10/1/16).

### **Improvements to structures non-conforming to road setback only.**

#### *Structures nonconforming to road setback*

- Within 20 ft. of base setback line:
  - Limit improvements to interior and exterior remodeling and the replacement of less than 50% of the existing exterior structural members over the lifetime of the structure.
- 20 to < 35 ft. In addition to the above:
  - Allow vertical expansions that meet the height requirements.
  - Allow horizontal expansions (principal structures only) that do not exceed 200 sq. ft. in area over the life of the structure provided the expansion is no closer to the road than the existing structure.
  - Allow the replacement or relocation of a structure of equal or less size if no other conforming location is available as determined by the Zoning Administrator and provided the structure is no closer to the road than the existing structure
- 35 ft. and greater. In addition to the above:
  - Allow horizontal expansions (principal structures only) provided the expansion is no closer to the road than the existing structure.

*\*Note: Structures that are permitted by right through road setback averaging are not subject to the above provisions.*

### **Road Setback Averaging:**

Modify road setback averaging to be consistent with shore setback averaging to make averaging available only if similar type structures exist on adjacent properties within 250 ft. and on the same side of the road. The existing building on the subject property may be used for averaging.

## *Offset*

### **What is offset?**

The distance between a side or rear lot line and a structure.

### **Existing offset requirements:**

- Residential districts- 20' minimum (unsewered), 14' (sewered)
- Accessory buildings less than 200' sq. ft. = 5' minimum.
- Substandard lots- Proportionate relief available for side offset based upon average lot width.  
i.e. (50' wide lot/120' required lot width X 20' required offset= 8.3' required offset)

### **Proposed offset reductions for sub-standard lots (lots less than 120' wide (unsewered), or 84' (sewered):**

<b>Lot Width (ft.)</b>	<b>Required Offset (ft.)</b>
35 ft. or less	5'
> 35 ft. - 50 ft.	7'
>50 ft. to < 84 ft.	10'
84 ft. to < 120 ft.	14'

\*Within agricultural, commercial, or industrial districts, if lot does not comply with the district lot width standards, the offset requirements specified in the above table apply, unless the district offset is less restrictive.

### *Other proposed offset changes:*

- Include all structures, not just buildings, as being subject to the offset provisions.
- Reduce deck/patio side offset requirements to 50% of distance of specified offset, but no closer than 5 ft. Stairs and walkways may be permitted 5 ft. from a lot line.

### *Structures nonconforming to offset*

- *Within 5 ft. of lot line*
  - Limit structures to interior and exterior remodeling and the replacement of less than 50% of the existing exterior structural members over the lifetime of the structure.
- *5-10 ft. In addition to the above:*
  - Expansions require a special exception, provided the expansion is no closer to the offset than the existing structure and provided the area of the expansion does not exceed 50% of the footprint of the existing structure, cumulatively over the lifetime of the structure from the effective date of the revised ordinance.
- *Greater than 10 ft. In addition to the above:*
  - Expansions are permitted by right, provided the expansion is no closer to offset than existing structure and area of expansion does not exceed 50% of the footprint of the existing structure, cumulatively.
  - Expansions that exceed 50% of the footprint of the existing structure require a special exception provided the area of the expansion is no closer to the offset than the existing structure.